IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No: 18855 of 2003

Between:

Sugar Workers Union The Chodavaram Co-Operative Sugar Factory Limited (Reg.No. D1728/98), rep. by its President,
Mr. P. Narayana Murthy, S/o. Venku Naidu, R/o. Chodavaram, Visakhapatnam District.

..... PETITIONER

AND

1 Commissioner & Director of Sugars and Cane Commissioner, Andhra Pradesh at Hyderabad.
2 The Chodavaram Co-Operative Sugar Factory Limited, Gevada, Visakhapatnam District. Rep. by it's Managing Director.

3. K.V.V.S.V. Bhasker Rao, S/o. Jagga Raju, Aged 36 yrs.

4. K. Eshwar Rao, S/o. Appala Naidu, Aged 38 yrs.

5. T. Venkata Rao, S/o. Jagga Rao, aged 38 yrs.

6. K.V.A. Ramana Murthy, S/o. Narasimha Murthy, age 38 yrs

7. K. Badrinath Gupta, S/o. Seetaramaiah, aged 38 yrs.

8. G. Tathabbai, S/o. Rama Swamy, Aged 52 yrs.

9. J.V. Srinivasa Rao, S/o. Sathi Raju, Aged 40 yrs.

10. R. Demudu, S/o. Sanyasi Naidu, Aged about 43 yrs.

(RR-3 to 10 are R/o. Govada Village, Visakhapatnam District)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction declaring the Circular Memo. No. 1496/G4/2002 dt. 10.04.2003 issued by the 1st respondent as being illegal, arbitrary and violative of Article 14 of the Constitution of India as well as the settlement dt. 15.5.2003 entered into between the 2nd respondent and the Writ Petitioner and consequently set aside the same and suspend the operative of the said circular Memo and consequently directing the 2nd respondent to engage the services of the members of the petitioner Union i.e., seasonal and NMR Workers during the off-season as has been done for the past 15 to 20 years.

Counsel for the Petitioner: MR.C.H.MURALI KRISHNA

Counsel for the Respondent No.2:MR.D.V.SITARAMAMURTHY

Counsel for the Respondent No.1: GP FOR INDUSTRIES

Counsel for the Respondent Nos.3 to 9: MR.P.VENUGOPAL

The Court made the following:

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ORAL ORDER:-

The Writ Petition is filed to declare the Circular Memo AC.No.1496/G4/2002, dated 10.04.2003, issued by the 1st respondent as illegal, arbitrary and violative of Article 14 of the Constitution of India as well as the settlement dated 15.05.2003 entered into between the 2nd respondent and the petitioner with a consequential direction to

the 2nd respondent to engage the services of the petitioner as seasonal and NMR workers.

The impugned proceedings has been issued by the Commissioner and Director of Sugars, Andhra Pradesh, on 10.04.2003 giving certain instructions to all the Cooperative Sugar factories in the State, which reads as follows:

> "The Managing Directors of the Cooperative Sugar Factories noted in the address entry are instructed to take up the overhauling works for the ensuing crushing season i.e., 2003-04 with the permanent employees only, if any excess work is there, the same may be attended on contract basis after assigning such work from the Technical Heads of the factory duly following the procedure in order to minimize the expenditure on repairs and maintenance work as they are not in a position to pay the salary to the staff."

The Cooperative Sugar Factories were also directed prohibiting from increasing the wages of workers including the NMRs paying arrears of wages of any kind.

The learned counsel appearing for the petitioner contended that the proceedings issued by the 1st respondent is contrary to the settlement arrived in between the parties under Section 181 of the Industrial Disputes Act, 1947. Therefore, he prays to set aside the same.

On the other hand, the learned counsel appearing for the 1st respondent contended that under Section 116, the 1st respondent can issue certain directions, keeping in view the financial position of the societies.

Learned standing counsel appearing for the 2nd respondent contended that since the impugned memo relates to the crushing season i.e., 2003-04, there is no *lis* to be adjudicated in this writ petition.

As rightly contended by the learned counsel for the 2nd respondent, the circular issued by the 1st respondent, dated 10.04.2003, relates to crushing season i.e., 2003-04, whereas the learned counsel appearing for the petitioner contended that the said circular is contrary to the settlement dated 15.05.2003.

The question as to whether the circular issued by the 1st respondent, dated 10.04.2003, is in accordance with law or not cannot be decided in view of the fact that the crushing season is over. Therefore, the conditions incorporated in the impugned proceedings are bad or not cannot be decided. Inasmuch as the impugned order applies and relates only to the crushing season i.e., 2003-04, therefore, there is no *lis* to be adjudicated in this Writ Petition. Since the crushing season is over, all the remedies including the questions raised by the learned counsel for the petitioner are left open for future years, if any.

Accordingly, the writ petition is disposed of. No orders as to costs.

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27-06-2005

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To

1 The Commissioner & Director of Sugars and Cane Commissioner, Andhra Pradesh at Hyderabad.
2 The Managing Director, Chodavaram Co-Operative Sugar Factory Limited, Gevada, Visakhapatnam District.

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